

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

IN RE:

**Christina Stamper fka Christina Thompson
fka Christina Erb fka Christina Marie
Thompson fka Christina M. Spratt fka
Christina Marie Erb aka Christina M.
Stamper fka ChristinaM. Erb fka Christina
Spratt aka Christina Marie Stamper fka
Christina M. Thompson**

Debtor.

CASE NO: 17-04358-HAC

**ORDER CONDITIONALLY DENYING MOTION FOR RELIEF FROM STAY AND
PROVIDING ADEQUATE PROTECTION AS TO PHH MORTGAGE CORPORATION**

This matter coming on to be heard upon the Motion For Relief From Stay or in the Alternative Motion for Adequate Protection filed by PHH Mortgage Corporation and prior to the hearing the Court being informed that the parties have settled. Based on that settlement, it is; therefore, ORDERED, ADJUDGED AND DECREED as follows:

1. The Motion For Relief From Stay is CONDITIONALLY DENIED as to any arrearage due in connection with the mortgage involved through the month of August 2019, subject to the further provisions of this Order.
2. The post-petition arrearage owed to PHH Mortgage Corporation through the month of October 2019 in the amount of \$5,385.86 shall be added to the Plan and shall be paid by the Trustee upon the filing of a Proof of Claim. The Proof of Claim shall be filed within 60 days of the date of the order herein. The following is a breakdown of the arrearage to be added to the Plan:

2 payments @ \$1,107.87 each 6/1/2019- 7/1/2019	\$2,215.74
3 payments @ 1,084.72 8/1/2019 – 10/1/2019	\$3,254.16
Bky Atty Fee	\$650.00
Court Cost	\$181.00
Less Suspense	\$(915.04)
Total	\$5,385.86

3. As adequate protection, Debtor shall resume the regular consecutive monthly payments in the amount of \$1,084.72 beginning with the payment due November 2019. Said payments shall be paid directly by the Debtor to PHH Mortgage Corporation.
4. The Automatic Stay is hereby MODIFIED to the following extent. Should the Debtor fail to maintain such full monthly payments due on the 1st day of each month, within two years of the date of this Order, then at the expense of the Debtor PHH Mortgage Corporation may mail written Notice of Default to Debtor, Debtor's attorney and Trustee regarding such Default. A copy of the Notice of Default must be filed with the Court within one business day of the mailing. In the event of such default continuing past such twenty (20) day period from the date of the mailing of the Notice of Default, PHH Mortgage Corporation must file Notice of Termination of Stay with the Court and mail a copy to the Debtor. The stay termination is not effective unless and until the two required notices are filed with the Court. Upon termination of the stay, PHH Mortgage Corporation may proceed with the foreclosure of the real property in accordance with the terms of its mortgage and the Alabama Code without further order of this Court and shall thereafter amend its claim for the unsecured deficiency which may thereafter remain.

This provision will expire two years from the date of the Order herein.

5. In the event the automatic stay is terminated pursuant to the terms of this Order, PHH Mortgage Corporation shall not be required to file a Notice of Mortgage Payment Change, Fee Notice and/or a response to the Trustee's Notice of Final Cure as contemplated by Rule 3002.1 of the Federal Rules of Bankruptcy Procedure.
6. Bankruptcy Rule 3001(c)(2)(C), as amended, is not applicable to the Supplemental Proof of Claim to be filed in connection with this Order and PHH Mortgage Corporation shall not be required to file an escrow account statement as of the date of the bankruptcy filing if one has not previously been filed.
7. In the event the automatic stay is terminated pursuant to the terms of this Order, Bankruptcy Rule 4001(a)(3) shall not apply and the Creditor may proceed immediately with foreclosure.

Dated: October 29, 2019


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

Order consented by:
Allyson C. Pearce
P.O. Box 609
Foley, AL 36536-0609
bkrdocs@pearcelawfirm.com
(251)971-2676

Order prepared by:
/s/ Sharidan Hollis
Sharidan Hollis, Attorney for Creditor, Bar #
HOL175
shollis@logs.com |704-607-4881
Shapiro & Ingle, LLP
10130 Perimeter Pkwy, Suite 400
Charlotte, NC 28216
Phone: 704-333-8107 | Fax: 704-333-8156
Electronic Service Notifications:
ncbkmail@shapiro-ingle.com